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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,601	09/18/2000	Jim B. Estipona	INTL-0450-US(P9561)	4352

7590

07/28/2005

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,601

Applicant(s)

ESTIPONA, JIM B.

Examiner

Son P. Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-10 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-10 and 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 16, 2005 has been entered.

Response to Amendment

2. This action is responsive to an amendment filed May 16, 2005. Claims 1, 4-10, 14-21 are pending. Claims 1, 10, 17 are amended. Claims 2-3, 11, 12, 22-30 are cancelled.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 4-10, 14-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claims 1, 4-10, 13-16 are objected to because of the following informalities:

In claims 1, 10, line 3 and line 4 respectively, the phrase "the program" should be replaced as – the enhanced television program—

In claim 4, line 1, the phrase "said real time event" should be replaced as – a real time event—

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4-10, 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Advance Television Enhance Forum Specification (ATVEF).

Regarding claim 1, ATVEF teaches a method comprising:
transmitting an enhanced television program (page 1, Abstract, lines 1-5); and

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automatically transitioning display of the program to full screen at the end of the program (bridge paragraph of page 27 and page 28). Since the enhancement is "shut down" (bridge paragraph of page 27 and page 28), accessing enhancement is prevent.

Regarding claim 4, ATVEF further teaches transmitting the real time event through an Internet Protocol multicast (page 12, lines 16-18; page 13, section 3.1, page 16, section 3.1.2).

Regarding claim 5, ATVEF further teaches transmitting a real time event including transmitting a trigger (page 6, section 1.1.5, page 16, section 3.1.2).

Regarding claim 6, ATVEF further teaches transmitting a trigger includes transmitting a trigger with a Uniform Resource Locator (page 6, section 1.1.5, page 16, section 3.1.2).

Regarding claim 7, ATVEF further transmitting a Uniform Resource Locator includes transmitting a Uniform Resource Locator using the tv: protocol (page 5, section 1.1.3, page 17, Appendix A, lines 1-3; page 18, item 5).

Regarding claim 8, ATVEF further transmitting a real time event that warns that the end of a program is approaching (page 33, last six lines).

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Regarding claim 9, ATVEF further discloses enabling the user to elect to retain enhancements after receiving the real time event warning of the end of the program (page 28, paragraphs 2-3).

Regarding claim 10, the limitations of the article correspond to the limitations of the method as claimed in claim 1. ATVEF further discloses the receiver comprises software used to perform the instructions (page 3, paragraphs 4-5). Thus, rejection of claim 10 is analyzed as discussed in the rejection of claim 1.

Regarding claims 13-14 and 16, the limitations of an article as claimed correspond to the limitations of the method as discussed in the rejection of claims 5,8-9 respectively, and are analyzed as discussed with respect to the rejection of claims 5,8-9.

Regarding claim 15, the limitations of the article as claimed correspond to the limitations of the method as claimed in claims 6, 7, and are analyzed as discussed with respect to the rejection of claims 6 and 7.

Regarding claim 17, the limitations of the system as claimed correspond to the limitations of the method as claimed in claim 1, and are analyzed as discussed in the rejection of claim 1, wherein the claimed storage is met by the memory at the receiver and the processor is met by the processor/CPU that control operation of the receiver (page 3, paragraph 4, page 9, section 1.1.7, page 11, section 2.2).

Regarding claims 18-21, the limitations of the system as claimed correspond to the limitations of the article as claimed in claims 13, 15, 14, 16 respectively, and are analyzed as discussed with respect to the rejection of claims 13, 15, 14, 16.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Falciglia (US 5,971,849) discloses computer based system and method for playing a poker like game.

Zigmond et al. (US 6,785,902) discloses document data structure and method for integrating broadcast television with web pages.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

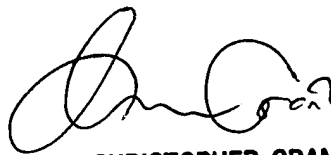
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH

July 14, 2005

A handwritten signature in black ink, appearing to read 'Chris Grant', with a stylized flourish at the end.

**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800**